

ORDINANCE NO. 2288

AN ORDINANCE MODIFYING THE PRELIMINARY DEVELOPMENT PLAN FOR THE RP-3 and RP-5 ZONING DISTRICTS ESTABLISHED WITH ORDINANCE NO. 2130 (Z-04-10) and ORDINANCE NO. 2131 (Z-04-11), UNDER THE AUTHORITY GRANTED BY THE GARDNER, KANSAS, ZONING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on August 25, 2008, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas, Zoning Ordinance, the revised preliminary development plan for the RP-3 "Planned Garden Apartment District" and RP-5 "Planned Apartment House District" established with Ordinances 2130 and 2131 is approved, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Development Plan) and Exhibit "B" (Elevations) which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall comply with all regulations and standards of the City of Gardner unless specifically exempted by the Governing Body.
- b. The development shall be limited to 512 units.
- c. Prior to the issuance of building permits, the Planning Commission shall approve a final development plan for this subject property.
- d. The location and geometrics of all driveways, public streets, and parking areas are subject to review and approval by city staff.
- e. A final stormwater management plan addressing stormwater management and floodplain issues shall be submitted with the final development plan for review and approval by Public Works.
- f. Final layout and design of utilities is subject to review and approval by Public Works at submittal of the final development plan.
- g. All proposed buildings shall be designed no closer than 20 feet horizontally from the floodway, no buildings will be located within the revised FEMA floodplain, and the minimum floor elevation of all buildings shall be 1 foot above the 100-year water surface elevation.
- h. Prior to approval of construction plans, written authorization granting permission for modifications to the floodplain will be required from appropriate regulatory agencies, including the Kansas Department of Agriculture, US Army Corps of Engineers, FEMA, and others.
- i. Written authorization from KCPL allowing grading and construction of the detention basins within KCPL easement will be required prior to approval of construction plans.
- j. Written authorization will be required from the property owner to the north prior to construction of any detention basin that crosses the northern property line.

SECTION TWO: That this Ordinance shall take effect and be in force from and after its adoption by the City Council and publication in the official City Newspaper.

APPROVED and ADOPTED this 15th day of September, 2008.

Carol Lehman, Mayor

ATTEST:

Teresa Anderson, City Clerk
(SEAL)